



Yuma County, Arizona
DEPARTMENT OF DEVELOPMENT SERVICES
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**YUMA COUNTY PLANNING & ZONING COMMISSION
MEETING MINUTES**

DATE: Monday, December 14, 2015

PLACE: Aldrich Auditorium, 2351 W. 26th Street, Yuma, AZ

1. Call to Order the Regular Session of the Yuma County Planning and Zoning Commission and verify quorum.

Chairman Henry convened the Planning and Zoning Commission meeting at 5:01 p.m. Commissioners present were Michael Henry, Wayne Briggs, Paul White, John McKinley, Tim Bowers, Max Bardo, Martin Porchas, Matias Rosales and Alicia Aguirre. Commissioner Gary Black was absent.

Others present: Planning Director Maggie Castro, Senior Planner Fernando Villegas, Senior Planner Javier Barraza, Deputy County Attorney Edward Feheley and Office Specialist III Kristen Davalos.

2. Pledge of Allegiance.

Chairman Henry led the pledge of allegiance.

3. Approval of Planning and Zoning Commission regular meeting minutes of October 5, 2015.

Commissioner Briggs made a motion to approve the regular meeting minutes from October 5, 2015. Commissioner McKinley seconded the motion. The motion carried 9-0.

4. Approval of Planning and Zoning Commission 2016 Regular Meeting Schedule.

Commissioner Bardo made a motion to approve the Planning and Zoning Commission 2016 Regular Meeting Schedule. Commissioner Aguirre seconded the motion. The motion carried 9-0.

5. Elect a Chairman for Yuma County Planning & Zoning Commission for Calendar year 2016

Commissioner White made a motion nominating Commissioner Briggs as Chairman for calendar year 2016. Commissioner Bardo seconded the motion. The motion carried 9-0.

6. Elect a Vice Chairman for Yuma County Planning & Zoning Commission for Calendar year 2016

Commissioner White made a motion nominating Commissioner Aguirre as Vice-Chairman for calendar year 2016. Commissioner McKinley seconded the motion. The motion carried 9-0.

7. Commission Initiative No. 15-04: A proposed text amendment to the Yuma County Zoning Ordinance, Section 202.00--Definitions to include a definition of Biofuel, Biofuel Production Facility, and Biomass Power Generating Facility and Sections 601.03, 614.03, and 615.02 to list Biofuel Production and Biomass Power Generating Facilities as either a Permitted Use or Special Use, and to include a new Section 302.06--Biofuel Production to include requirements for Biofuel production in Rural Area zoning districts.

Fernando Villegas, Senior Planner, presented the staff report recommending approval of Commission Initiative 15-04 to amend the Yuma County Zoning Ordinance as presented.

Chairman Henry asked staff if the facility in Maricopa is getting some of the product from the Midwest by rail or truck. Fernando Villegas stated that is correct. Commissioner McKinley asked staff if it is known how much water they have to have to produce five hundred thousand gallons. Fernando Villegas went over the table in the staff report that shows the amount of water needed to produce ethanol and biodiesel. Max Bardo asked how that is converted to an acre foot. Fernando Villegas stated that according to the notes, one acre inch equals twenty seven thousand one hundred fifty gallons of water. Chairman Henry asked staff if the water is used in processing or if is used in growing crops. Fernando Villegas stated that the water is used in the growing crops. Chairman Henry asked staff to go back to the map on the presentation that had the two square mile area depicted. Chairman Henry asked staff how much water the two square mile would need. Fernando Villegas answered that the two square mile area is what would be needed to produce five hundred thousand gallons of ethanol. Commissioner Bardo asked staff how much electricity would be needed per gallon or per hundred gallons. Fernando Villegas stated that he is unaware of how much electricity would be needed. Commissioner White asked staff if the public had any comments. Fernando Villegas stated that there were no comments from the public. Commissioner White asked staff if there has been any outreach to any interested parties. Fernando Villegas stated that there has been no outreach. Fernando Villegas stated that there was publication in the newspaper that is required for every public hearing. Commissioner McKinley asked staff what the opposition or concern was from the Board of Supervisors. Fernando Villegas stated that the Board of Supervisors wanted additional information such as how much land was required to produce five hundred thousand gallons of ethanol and Biodiesel. Commissioner Aguirre asked staff who benefits from the biofuel that is produced and who is the biofuel sold to. Fernando Villegas stated that that depends on who is producing biofuels. Commissioner Bowers asked staff if there will be any potential damage to the ground water from the waste. Fernando Villegas stated that in the staff report is listed some of the environmental impacts and one of them is water usage. Fernando Villegas stated that he doesn't think there is a lot of waist being produced from the facility but, the uses of water need to be paid attention to along with the types of crops that are being planted in the area. Commissioner White asked staff how it would relate to the primary use for the Special Use Permit for RA. Fernando Villegas stated that that is one of the reasons why staff wanted to include limitations in the RA

Zoning District.

Chairman Henry opened and closed the public meeting.

Commissioner Bardo left the room.

Commissioner Bowers made a motion to recommend approval of Commission Initiative No. 15-04. Commissioner Rosales seconded the motion. The motion carried 8-0.

Commissioner Bardo returned to the room.

- 8. Special Use Permit Case Number 15-06:** Cactus Propane of AmeriGas Propane L. P., agent for the Smallwood Arizona Family LTD, requests a Special Use Permit per Section 612.03(H) of the Yuma County Zoning Ordinance to allow the storage and dispensing of propane on a parcel 1.72 net acres in size, zoned General Commercial (C-2), Assessor's Parcel Number 700-34-007, located at 10247 East South Frontage Road, Yuma, Arizona.

Javier Barraza, Senior Planner, presented the staff report recommending approval of Special Use Permit Case 15-06 subject to the following Operational Conditions and Performance Condition. Staff did not receive comments and/or correspondence regarding Special Use Permit Case 15-06.

Operational Conditions:

- 1)** All requirements of the Yuma County Zoning Ordinance shall be met: Including, but not limited to parking, signage, lighting and buffer requirements.
- 2)** All requirements of the Yuma County Comprehensive Building Code shall be met in future construction, alternate, or remodeling of buildings.
- 3)** All requirements of the Environmental Health laws including, but not exclusively, Arizona Revised Statutes Titles 36 and 49, and Arizona Administrative Code, Rule 9 and 18, shall be met.
- 4)** All requirements of the Yuma County Flood Control district shall be met.
- 5)** The approval of the Special Use Permit is based on the site plan submitted by the applicant. Any change from the site plan will require prior approval by the Planning Director.
- 6)** The Special Use Permit shall be valid for a period not to exceed five years from the date of the approval by the Board of Supervisors.
- 7)** The hours of operation shall be limited to 6:00 a.m. to 8:00 p.m.
- 8)** The existing fence located at the south of the property line must be opaque year round or vegetation with a mature height of 10 feet or greater must be planted.

Performance Condition:

- 1)** All required permits must be issued to the applicant within six months of approval by the Board of Supervisors and finalized as per appropriate code requirements, including, but not limited to, unpermitted structures, grading permit to ensure proper retention of storm water on-site.

Commissioner Bardo asked if there have been any violations or complaints on this permit. Javier Barraza answered no, there have not been any violations or complaints. Commissioner White asked if there are any other Special Use Permits for propane

facilities. Javier Barraza replied that yes, there are other permits. Commissioner White asked staff if the Special Use Permits are five year permits. Javier Barraza stated yes, they are five year permits.

Chairman Henry opened and closed the public meeting.

Commissioner Aguirre made a motion to recommend approval of Special Use Permit Case No. 15-06. Commissioner Porchas seconded the motion. The motion carried 9-0.

9. Presentation and discussion on possible text amendments to Article VIII-- Signs of the Zoning Ordinance in light of *Reed vs Town of Gilbert*.

Planning Director Maggie Castro stated that this is a presentation for information purposes and that is not a request for a commission initiative. Maggie Castro informed the Planning Commission that staff will now start bringing proposed amendments to the Zoning Ordinance as a presentation to the Planning and Zoning Commission so there is an opportunity to review and comment on the proposed changes or the proposed language that staff drafts before it is brought forward as a request for a commission initiative. Maggie Castro stated that there was a lawsuit filed in the Town of Gilbert that went to the U.S. Supreme Court that was concerning signs. Maggie Castro further explained that Good News Community Church filed a lawsuit challenging the Town of Gilbert's zoning sign ordinance. The Town of Gilbert imposed strict regulations on the church's signs demanding that they be no larger than six square feet and stand for no more than fourteen hours. Political, Ideological and other nonpolitical signs can be up to thirty two square feet in size and can stand for many months and sometimes indefinitely. Because of the town's ordinance which regulates signs based on their content resulting in disfavored treatment of the church's signs, the ordinance is unconstitutional. Staff provided a small example of how the Town of Gilbert's ordinance was applied and also included in the staff report is an example of how Yuma County treats similar types of signs. Based on the fact that the Town of Gilbert's Zoning Ordinance and Yuma County's Zoning Ordinance are similar, Yuma County is also required to comply with the judgment issued in *Reed vs Town of Gilbert*. Staff is proposing changes to the Section 800.09 which is the definition section of Article VIII, Section 810.00--Real Estate Signs, Section 810.02--Political Signs, Section 810.03--Banners, Section 810.04--Special Event or Yard/Garage Sale signs, Section 810.05--Construction Signs, Section 810.06--Portable Signs, Section 810.07--Festoons, Section 810.08--Balloons, Section 810.09--Flags and Symbols, Section 810.10--Enforcement, Section 810.11--Project Information Signs, and removal of Plate VIII-3--Temporary Signs. Included in the Agenda Packet are the proposed changes in strike and bold format so that the Planning Commission can see how the Zoning Ordinance currently reads and how staff is proposing to amend the Zoning Ordinance so that it is in compliance with U.S. Supreme Court's decision in *Reed vs Town of Gilbert*. Commissioner Bardo asked Maggie Castro what is allowed that hasn't been allowed before. Maggie Castro explained that what the lawsuit did is forbid the regulation of signs based on their content. Maggie Castro explained that a sign for a church that advertizes services or activities cannot be treated differently than a real estate sign for example. Commissioner Rosales asked Maggie Castro about realty signs. Maggie Castro stated that the intent is to treat all temporary signs the same with the proposed changes. Commissioner Rosales stated that his concern is not being able to have a

realty sign up for more than thirty days. Maggie Castro stated that the current Zoning Ordinance restricts real estate signs for up to thirty days. Maggie Castro further explained that it will be required that all temporary signs comply with the thirty day requirement. Commissioner Rosales asked Maggie Castro if the plate is removed will that require permits for a temporary sign. Maggie Castro stated that the permitting information is defined in other sections of the Zoning Ordinance specifying what signs require permits or not and will no longer be included in a table format. Commissioner White asked Maggie Castro how the current code is enforced. Maggie Castro stated that all violations to the Zoning Ordinance are handled on a complaint basis so staff does not proactively cite property owners for violations unless it is in a threat to health, safety and welfare. Maggie Castro explained to the Commissioners that this is draft language and the Commissioners have the opportunity to make changes and to provide input before it is brought back as a request for a commission initiative. Commissioner Rosales stated that he would like staff to do more research on the different types of signs and asked if Gilbert conformed all of the signs. Maggie Castro stated that Gilbert's sign Ordinance was found to be unconstitutional therefore unenforceable. Commissioner Bardo asked Maggie Castro what category feather signs are under because they are not listed. Maggie Castro stated that there is no category in the Yuma County Zoning Ordinance for those types of signs and explained that staff is treating them like banners.

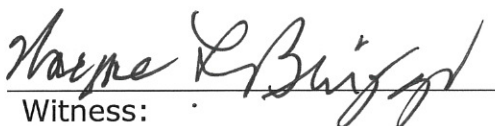
10. Discussion by the Commission members and Planning Director of events attended, current events, and the schedule for future Planning Commission meetings.

There was no discussion by the Commission members and Planning Director of events attended, current events, and the schedule for further Planning Commission meetings.

11. Adjourn.

The meeting adjourned at 6:13 p.m.

These minutes were approved and accepted on this 25th day of January, 2016.



Witness:
Wayne Briggs
Chairman



Attest:
Maggie Castro
Planning Director